

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

DIETGOAL INNOVATIONS, LLC	§	
	§	
v.	§	2:12-cv-00761
	§	(Lead Case)
KELLAN RESTAURANT MANAGEMENT CORP. D/B/A 54TH STREET GRILL & BAR	§	
	§	

DIETGOAL INNOVATIONS, LLC	§	
	§	
v.	§	2:12-cv-00770
	§	
MARCO'S FRANCHISING, LLC.	§	
	§	

MEDIATOR'S REPORT TO THE COURT

In accordance with the Court's various scheduling orders and extensions thereof, and in accordance with the local rules of the Eastern District of Texas, mediation was scheduled to occur between Plaintiff, Dietgoal Innovations, LLC, and Defendant, Marco's Franchising, LLC, on the extended deadline date of April 18, 2014. Plaintiff and the mediator made themselves available on that date but, due to Defendant's notification, did not convene. Defendant filed a motion with the court to be relieved of the mediation obligation and gave notice that it would not attend the mediation based upon its motion.

The undersigned mediator has not been made aware of any court action granting Defendant's motion for relief as of the date of this filing. In accordance with the local rules of the Eastern District of Texas, the mediator is required to file a report within five (5) days of mediation as to the outcome. Since mediation did not occur but was scheduled to occur in accordance with the court's order, this report is intended to serve as the report to the court of the status and outcome of the mediation process.

The case is not settled. The undersigned mediator will continue to follow up with the parties in an effort to see if negotiations can be productive.

/s/ James W. Knowles

JAMES W. KNOWLES, MEDIATOR
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CERTIFICATE OF SERVICE

The mediator's report was served electronically in compliance with Local Rule CV-5(a) upon all known counsel of record via the Court's CM/ECF system, on the 21st day of April, 2014.

/s/ James W. Knowles

JAMES W. KNOWLES, MEDIATOR